R. Dis. File No. 897

1939

Collection No. P53

Pros. Serial Nos. 1-23

Subject.

Petition under Sec 19E of the Court Fees Act for remission of penalty on recovery of the extra court fees due

Previous References.

RD 228/38

Later References.

RJ 684/40.

S. 97.—(Green).

MFP—1663 S&P—(M-2971)—24-6-38—100,000.

NOTES AND PRECIS.

1

DyNo. 1307 S.N. 1

1 The application has been made within the statutory period of six months after the discovery of the enhanced value of the estate. It appears the penalty incurred may be waived, and the Letters of Administration may be duly stamped. The petitioner undertakes to pay court-fees on the excess. A draft order is submitted for approval.

A.B.Rao
9.2.39

H.Lindsay
(para 1)
10/2/39.

Secretary.

S.N.2. Issue.

c.p.7 } P.U.C D.1938. S.N.3
c.p.9 } D.2212. S.N.4

S.N.3.

2 Please see S.N.1 and 2. Two drafts submitted.

S.N.4

Probate granted 3
14-9-38.

4 The application is made within the statutory period of six months.

R. 1741 Civil Court Manual Vol. I

Under the proviso to section 19 E of the Court Fees Act, the Resident should be satisfied that the fee in the first instance was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and that there was no intention of fraud or to delay the payment of proper court-fee. It is not clear ~~why~~ how the petitioner could have made a mistake regarding the amount in the S.B. account in the Richmond Town Post office. There should be a specific statement in the affidavit that the petitioner did not know at the time ~~xxx~~ she

applied for the Probate that she would realise more than what she had ~~sworn to in the affidavit filed in connection with the~~ shown in the application for grant of the Probate, and that there was no intention of fraud or to delay payment. Please see para 8 of the affidavit filed by Messrs. Murtrie and Gonsalves at cor.p.14 of R.D.F.228 of 1938. The District Judge may be asked to obtain a supplementary affidavit from the petitioner. Draft submitted.

(G)

Draft III

Hc
7.3.39

Secy. 5 Technically correct, but it a small amount & not worth pursuing. We may agree.

[signature]
8/3/39.

Draft III 6 Draft submitted.

Hc
11.3.39

Secretary.

[signature]
12/3/39

S.N.5 and 6. Issue.

C.P.16 (Rule) D.3426. S.N.7

c.p.9 and 15. Please see S.N.4 and 6. Two drafts submitted.

(K) 7

W
5.4-39

Hc
5.4.39.

[signature]

Suppl.

Award
7.9.39

J.C
15.9.39

54. (8-9). Issue

Dy.No.6579. S.N.(10).

The case falls under the proviso to section 19 E of the Court Fees Act, 1870. The application has been made within the statutory period of six months. There does not appear to have been any intention of fraud or to delay the payment of the proper court-fee, as the increase of Rs. two thousand and odd in the value of the property may be ascribed to the various influences in play at a public auction and to the fact that originally only the undivided half-share has been valued. If approved the penalty may be remitted and the probate caused to be stamped on payment of the balance of the fee of Rs. 64/8/0.

Draft submitted (with fair).

6.7.39.

(para 8)

7/7/39

6.7.39

S.N. (11). Issue.

Dy.No.7463. S.N.(12).

The application has been made within six months after the discovery of the true value of the estate. The increase in the value appears to be merely a matter of chance. Further only the undivided half-share has been estimated originally. There seems to be no intention of fraud or to delay payment of the proper court-fee. If approved, the penalty may be remitted and the probate caused to be stamped on payment of the balance of the fee of Rs.40

Under the proviso to Sec. 19 E

A

10

Praying Affidavit.

A certified copy of the probate is sent. The original is reported to have been mislaid. This does not seem to affect the issue of an order remitting the penalty and directing that the probate be duly stamped.

Draft submitted (with fair).

J.U.
26.7.39.

Rathnam 27/7/39. (Paras 9 & 10).

ASRao
26.7.39

S. N. (13): Issue.

Secretary.

Draft.
8.8.39.

Dy.No.7859. S.N.(14).
Dy.No.7960. S.N.(15).

S.N.14:

c.p.19 - 25 (K). 11

Please see S.N.10 and 11.
Two drafts submitted for approval.

S.N.15:

c.p.26 - 31 (K). 12

Please see S.N.12 and 13,
Two drafts submitted for approval.

fr.
8.8.39

(Paras. 11 & 12).

9.8.39.

ASRao
8.8.39

S. N. (16, 17, 18 & 19): Issue.

A.S.

Dy.No. 10,658 S.N. 22

15

Cor. pp. 7-11 encl. to P.U.C

Please see the amended affidavit filed by Mrs. Smith on 12th September 1939. Her averments are that although she valued the Globe Theatre at the time of the application for Letters of Administration at Rs.1,44,000/-, the building actually fetched only Rs.1,20,000/-, and hence she is entitled to an allowance for the difference. Please see section 19-A of the Court-fees Act, 1870. The question is whether Mrs.Smith at the time of the application estimated the Globe Theatre to be of greater value than it afterwards proved to be, or whether the valuation itself was correct, but for various extraneous reasons the property fetched a low price: she would be entitled for a refund only if the first condition applied. It may be seen that the application for Letters was made at the beginning of 1935, and the property was actually sold in the middle of 1939. Fluctuations in prices within a space of 4½ years it is not unreasonable to expect. Mrs. Smith says however, that being new to India she put a higher valuation.

(put up)

para 1 of letter

para 6 of affidavit

—do—

16

When an application for Letters is filed, the affidavit of assets is sent to Collector to say whether the valuation of the assets may be accepted. Collector would have considered the valuation of the Globe Theatre in 1935, although ofcourse he points out only under-valuation, which means depriving Government of Court-fees, and if a party over-states the values and is prepared to pay higher court-fees no-body need come in the way. Refund, if allowed, would be of a fairly large amount, nearly Rs.700/-, and if approved the file may be sent u/o. to Collector for favour of views.

RC 76
25 OCT 1939
3926/17/39

OSRao
25.X.39

Secretary.

Rwegar 27/10/39

Collector, C. & R. Station, Bangalore

u/o. No. D. 10,658-39/ Judl., dated 24th Oct. 1939

17

The valuation of the assets belonging to the estate of the late Mr.T.C.W.Skipp, given in Annexure 'A' to the petition in O.P.No.1 of 1935, on the file of the local District Judge's Court, was verified and accepted as correct.

18

The valuation of this property has not gone down since 1935, as it is reported to be one of the best theatres in the Station. It is situated in the centre of a business locality where buildings are now coming into prominence, and there are also cottages and shops attached to this building. Enquiry shows that even now there are offers to the extent of Rs.1,45,000/- but the present owners are not willing to part with it, as they expect Rs.1,50,000/-.

19

The reason why this property fetched only Rs.1,20,000/- is probably due to the fact that the petitioner was in a hurry to dispose of it. It is also reported that the sale deed executed in favour of the present owners was compulsorily registered as the petitioner attempted to withdraw from the transaction.

20

The petitioner cannot therefore be said to have wrongly estimated the value of the property (Globe Theatre) at Rs.1,44,000/- in 1935 instead of at Rs.1,20,000/- and she does not appear to be entitled to the refund applied for under Section 19-A of the Court Fees Act, 1870.

H.H. Garbutt

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
1 DEC. 1939
Diary No. 12,138
File No.

The Secretary to the Hon'ble the Resident in Mysore, B'lore
U.O;No.3926-B-39 dated the 27th November 1939.

P.T.O

8

Please see from para 15 of these notes.

21

In 1935 when the application for Letters was made, the valuation of the assets was verified and accepted as correct by the Collector. From see the decisions quoted on page 363 of Satyamurti Aiyar's commentary on the Court-Fees Act, it will be seen that the value of the property to be assessed is to be determined as on the date of the application and that later changes are not to be taken into account. From the Collector's report it is clear that Rs.1,44,000 was not an over-estimate, that the valuation has not gone down since 1935, and that due to certain extraneous circumstances only Rs.1,20,000 was realised when the property was sold in 1939. In the circumstances the petitioner does not appear to be entitled to a refund under section 19-A of the Court-Fees Act, 1870.

Submitted for orders whether the petition may be rejected.

S.V. 6.12.39. 7/12/39.

Secretary

22

Draft submitted for approval.

S.V. 7.12.39. 8/12/39.

Secretary

Register

9/12/39

S.No.(23): Issue

Record.

S.N.1

11

D No. 68 9/39 ENCLOS. Letter of Administration with Will annexed. One petition, one affidavit & one petition

DISTRICT AND SESSIONS COURT,
CIVIL AND MILITARY STATION,
Bangalore, dated 4th. Feb. 1939.

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE, BANGALORE.
7 FEB. 1939
Diary No. 1307
File No.

FROM

P. Medapa Esq., B.A., B.L.,
DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

TO

The Secretary to
The Hon'ble the Resident in Mysore
Bangalore.

R. Dis. 223/39

SIR,

Subject:- Remission of penalty under Section 19 E of the Court Fee Act in O.P. No.86/37 on the file of the District Court, C. & M. Station, Bangalore..

In forwarding herewith the petition and affidavit filed by Mrs. E.P. Govia, the Grantee of Letters of Administration with a copy of the Will annexed in O.P. No. 86 of 1937 on the file of this Court, I have the honour to request that, for the reasons stated in the annexed affidavit, the Chief Controlling Revenue Authority may be pleased to remit the penalty and cause the said Letters of Administration to be duly stamped. The excess Court Fee stamp of Rs. 3-1-0 on the basis of the increased value of the estate will be tendered by the applicant on receipt of orders from the Hon'ble the Resident.

I have the honour to be,

Sir,

Your most obedient servant,

P. Medapa
District Judge.

J.F.

BEFORE THE HON'BLE THE RESIDENT IN MYSORE.

BANGALORE.

O.P.No. 86/1937.

C.M.P.No. 1932.

In the matter of the Estate of the late J.H.Govia.

Petitioner

Mrs.E.P.Govia.

A F F I D A V I T.

I, Mrs.E.P.Govia, aged 52 years, residing in No.1 Prime Street, Civil and Military Station, Bangalore, make oath and swears as follows:-

1. That the Letters of administration with the will annexed was granted to me by the District Judge, Civil and Military Station, Bangalore, to my husband's Estate, which was valued then at Rs.20,304/12/- That the Cash Certificates which constituted the bulk of the estate was valued in the petition at Rs.7,931/4/- and the amount realised on the Cash Certificates was Rs.8,115/4/-

2. The amount shown in the petition was Rs.20,304/12/- and the amount realised by me was Rs.20,404/13/6. The difference on which I have to pay the excess Court fee would be on Rs.100/1/6.

37)

3. That I was in a position to know the difference in the value of the Estate only in the month of June 1938, when I received the amount from the Post Office authorities.

4. I am prepared to pay Court fee on the difference of Rs.100/1/6.

PETITIONER.

Sworn to before me this 15th day of November 1938.

Municipal Commissioner,
C and M Station, Bangalore

Book No. 75

The Bank of Mysore, Ltd.

C. T. De Souza 14/6/38 193

For Credit of

PARTICULARS

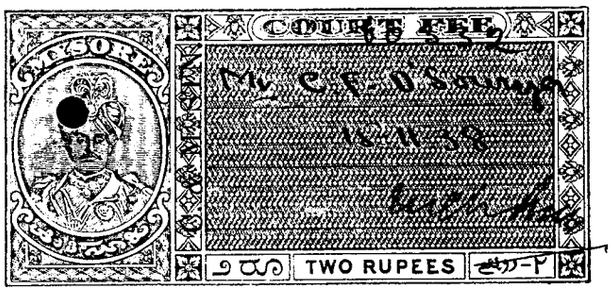
			Rs.		
Silver and Copper	...				
Currency Notes					
1,000	×				
500	×				
100	×	80		8000	—
50	×				
10	×	11		110	—
5	×	1		5	—
				0 4	—
				8115	4 —

Rs. Eight thousand one hundred & fifteen as four only

Shroff.....

Scroll Clerk.....

Cashier..... *Accountant.*



BEFORE THE HON'BLE THE RESIDENT IN MYSORE.

BANGALORE.

O.P.No. 86/1937

C.M.P.No. 1932.

In the matter of the Estate of the late J.H.Govia.

Petitioner.

Mrs.E.P.Govia.

UNDER SECTION 19-E.of the COURT FEE ACT.

The petitioner above named prays that she may be allowed to tender Court Fees of the value of Rs.3/6/- for the excess realisation on her husband's Estate and to exempt her from any penalty as provided for under Section 19-E of the Court Fee Act.

ADVOCATE FOR PETITIONER.

BANGALORE,
15th November 1938.

PETITIONER.

In the Court of the ~~District~~ Hon'ble
The Resident in Mysore,
C. & M. Station, Bangalore.

O.P. ~~Suit~~ No. 86 of 1937.

Petitioner :- Mrs. E. P. Goria.
~~Plaintiff :-~~

~~Versus.~~

~~Defendant :-~~

Filed on :- ~~15~~

C. F. DESOUZA, B.A., LL.B.,
Advocate for the Petitioner.
25-B. HOSPITAL ROAD, BANGALORE.

The Kumaran Press, Bangalore.

S.R.

68

PROCEEDINGS OF THE HON'BLE THE RESIDENT IN MYSORE.

Issue 10/2

R.Dis.No.F. 89-39 R.O.I. Dated 13/2 1939

Issued 13/2/39 Encl. to P.u.c. S.N.

Read:

Petition and affidavit filed by Mrs.E.P.Govia on the 15th Day of November 1938 in the matter of the last Will and Testament of the late J.H. Govia.

P.u.c.

Letter from the District and Sessions Judge, Civil and Military Station, Bangalore, D.No.659/39, dated the 4th February 1939.

- -:0:- -

O R D E R.

Under the proviso to Section 19E of the Court Fees Act, 1870, as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident is pleased to remit the penalty incurred and to direct that the Letters of Administration Probate be duly stamped.

(Sd) H. Trevelyan

SECRETARY TO THE RESIDENT.

Copy to the District and Sessions Judge, Civil and Military Station, Bangalore. The petitioner may be called upon to produce the necessary court-fee stamp, and the same may be forwarded to this Residency at an early date.

The stamp paper with the requisite endorsement and the Probate granted in O.P. No.86/37 are returned.

A.R. 9.2.39

S.N.2

D No. 837/39 Enclos. 1 memo with court fee stamps Rs. 3/1/-

District and Sessions Court,
Civil and Military Station,
Bangalore, dated 21st. Feb. 1939

From

P. Medapa Esq., B.A., B.L.,

DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to
The Hon'ble the Resident in Mysore,
Bangalore.

Sir,

Subject: Remission of penalty on Letters of Administration granted to Mrs.E.P.Govis.

With reference to your letter R.Dis. No. F.89-39 / R.O. I, dated the 13th. instant, I have the honour to forward herewith Court fee stamps of the value of Rs.3-1-0 produced by the petitioner's Advocate and to request that receipt of the same may be kindly acknowledged.

S.N.2 e/f 6 K

allowed

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
23 FEB. 1939
Diary No. 1938
File No. F. RD 89/39

I have the honour to be,

Sir,

Your most obedient servant,

P Medapa

District & Sessions Judge.

IN THE COURT OF THE HONOURABLE THE RESIDENT IN MYSORE,

B A N G A L O R E .

O. P. No. 86 of 1937.

By Adv's Clerk with C F Stamps Rs 3-1-0 20/2/39.

PRTITIONER:- Mrs. E. P. Govia.

The Petitioner above named tenders herewith Court fee stamps of the value of Rs.3-1-0 being the deficient Court Fee in the above case.

E. P. Govia

2112

B A N G A L O R E ,
20th February 1939.

Advocate for the Petitioner.

S.N.4

(1) One Probate in Cause
(2) Affidavit
(3) Application with Rs.2/- Court fee stamp affixed.

No. 1159/39 Enclos

DISTRICT AND SESSIONS COURT,
CIVIL AND MILITARY STATION,
Bangalore, dated 28th. Feb 1939.

Mr. N.S.V

FROM P. Medapa Esq., B.A., B.L.,

DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to

The Hon'ble the Resident in Mysore,

Bangalore.

SIR,

Subject:- Remission of penalty under Section 19 E of the Court Fees Act in O.P. No.57 of 1938 on the file of the District Court, C. & M. Station, Bangalore.

In forwarding herewith the petition and affidavit filed by Mrs. Sarah Ann D'Sylva, the grantee of the Probate in O.P. No.57 of 1938 on the file of this Court, I have the honour to request that for the reasons stated in the annexed affidavit, the Chief Controlling Revenue Authority may be pleased to remit the penalty and cause the said Probate to be duly stamped. The excess Court fee stamp of Rs.3-12-0 on the basis of the increased value of the estate will be tendered by the applicant on receipt of orders from the Hon'ble the Resident.

I have the honour to be,

Sir,

Your most obedient servant.

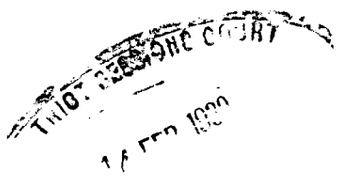
P. Medapa

District Judge.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
Diary No. 2212
File No. RD 89/39
J.F.

1938 (F)
IC
23

10



14/11/39

BEFORE THE HON'BLE THE RESIDENT IN MYSORE

BANGALORE.

O.P.No. 57 of 1938.

In the matter of the last Will and Testament of Mr.Placidus D'Sylva, deceased, Bangalore.

Petitioner

Mrs.Sarah Ann D'Sylva,
No.12-Lavelle Road,
C.& M.Station, Bangalore.

A F F I D A V I T.

I, Mrs.Sarah Ann D'Sylva, aged 65 years, widow of the late Mr.Placidus D'Sylva, residing in No.12-Lavelle Road, Civil and Military Station, Bangalore, solemnly affirm and swear as follows:-

1. That the Probate of the Will of the late Placidus D'Sylva was granted to me on 14th September 1938.

2. That in persuance of the grant, I have realised the amounts shown in Annexure 'A' of this Affidavit.

3. That the amount shown in the original application is Rs.8368/8/6 and the amount towards expenses is shown as Rs.375/-

4. The amount realised by sale of 3% Loan 1951-54 is Rs.8110/-. The difference between the value shown in the original application and the value realised now is Rs.110/-

5. The amount realised from the Savings Bank account is Rs.260/15/6, while the amount shown in the original application is Rs.248/8/6.

11)

6. The difference between the valuation given in the original application and the amount realised by the petitioner is Rs.122/7/- ×

ANNEXURE 'A'

Amount realised by sale of 3% Loan 1951-54.	R.8110	0	0
Interest till 14-9-1938.	120	0	0
	8230	0	0
Amount realised from Post Office Savings Bank.	260	15	6
	8490	15	6
Amount paid towards funeral expenses. ...	375	0	0
Net amount. ...	8115	15	6

× 8115-15-6
7993-0-6

Mrs S. D Sylva

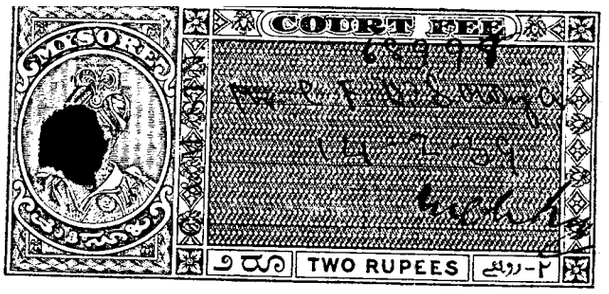
PETITIONER.

Sworn to before me this 13th day of the month of ~~December~~ February 1939.

G.F. De Saram

Municipal Commissioner.

12



BEFORE THE HON'BLE THE RESIDENT IN MYSORE

BANGALORE.

O.P.No. 57 of 1938

C.M.P.No. of 1938

In the matter of the last Will and Testament of Mr.Placidus D'Sylva, deceased, Bangalore.

Petitioner.

Mrs.Sarah Ann D'Sylva,
No.12. Lavelle Road,
C.& M.Station, Bangalore.

Under Section 19-E.of the Court Fee Act, the Petitioner above named prays that she may be allowed to tender Court Fee of the value of Rs.3/12/- for excess realisation on her husband's estate and to exempt her from any penalty as provided for under Section 19-E. of the Court Fee Act.

Mrs S. D'Sylva

Petitioner.

B A N G A L O R E,
13 ~~December~~ February 1939.

In the Court of the Hon'ble
the Resident in Mysore, Bangalore

O.P. No. 57 of 1938 on the
C.M.P. No. 63 of 1937
file of the District Judge,
C. & M. Station, Bangalore.

Petitioner:- Mrs. S.A. D'Silva.

Filed on:- 14-2-39.

C.F. DeSouza, B.A., B.L.B.,
Advocate for the Petitioner,
25-B, Hospital Road,
Bangalore.

Issued Ous 18/3

3 drafts Draft I (Initialled & Seal)

Issue &c 14.3.39

S 5

(13)

DRAFT.

Memorandum.

R.Dis.No. F.89-39 / ~~R. O. I~~ Judl 18th March 1939.

From

The Secretary to the Resident.

To

The District and Sessions Judge,
Civil and Military Station,
Bangalore.

(For precedent please see S.N.4 of R.Dis.F.228-38.) e.f.9 (G)

Payment of deficit court-fee on Letters of Administration granted to Mrs.E.P.Govia.

- - -

Reference correspondence ending with your letter D.No.997/39, dated the 21st February 1939.

S.N.3
c.p.3
P.U.C.

2. The requisite endorsement is enclosed and the *Letters of Administration granted in O.P.No.86 of 1937 on your file are returned.

Encl. to S.N.1 c.p.1 'K'.

(sd) A. J. Courtney.
for Secretary to the Resident.

Ls 6.3.39 &c 7.3.39.

12 19/3

3 Draft II Draft (passed by Secy)

14.3.39

(For precedent please see S.N.4 of c.p.10 R.Dis.F.228-38.)

(Court-fee stamps of Rs.3-1-0 to be affixed.)

R.Dis.No.89/39 Dated 18th March 1939.

In the matter of the estate of the late Mr.J.H.Govia.- Original Petition No.86 of 1937 on the file of the District Judge, Civil and Military Station, Bangalore.

- - -

Certified that the additional Court Fee of Rs.3-1-0 due on the Letters of Administration in the above matter has been paid and the same is hereby declared to be duly stamped.

(sd) A.J. Courtney.

for Resident in Mysore and Chief Controlling Revenue Authority.

7.3.39

Draft-III

Issue
Kc
3.39

(For precedent please see S.N.2 -89/39)

Issued
6/3
1873

c.f.6 (K)

(H)

S.N.4
c.f.9

S

115

PROCEEDINGS OF THE HON'BLE
THE RESIDENT IN MYSORE.

R.Dis.No.89-39 Judl. Dated 18/3/39

Read:

Petition and affidavit filed by Mrs.Sarah Ann D'Sylva on the 13th February 1939, in the matter of the last Will and Testament of the late Mr.Placidus D'Sylva.

Letter from the District Judge, Civil and Military Station, Bangalore D.No.1159/39, dated the 28th February 1939.

O R D E R.

Under the proviso to section 19 E of the Court Fees Act, 1870, as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident is pleased to remit the penalty incurred and to direct that the Probate be duly stamped.

(Sd) A.J. Courtney
for Secretary to the Resident.

To the District Judge, Civil and Military Station, Bangalore. The petitioner may be called upon to produce the necessary court-fee stamp; and the same may be forwarded to this Residency at an early date.

Kc
11.3.39.

DISTRICT AND SESSIONS COURT,
D No.1671/38 ENCLOS. 2 Court fee stamps Rs 3/12/= CIVIL AND MILITARY STATION,
Bangalore, dated 28th. Mar. *1939*.

FROM

P. Medapa Esq., B.A., B.L.,

DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

J. Mr. N.S.V
31-3-39

To

The Secretary to
The Hon'ble the Resident in Mysore,
Bangalore.

SIR,

Subject:- Remission of penalty under Section 19E of the Court Fees Act in O.P. No.57 of 1938 on the file of the District Court, C.&M. Station, Bangalore. Court Fee Stamp.

I have the honour to forward herewith Court Fee Stamps of the value of Rs.3-12-0, being the additional Court-Fee required in the above case and to request that the receipt of the same may be acknowledged.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
MAR 1939
Diary No. 3426
File No. J.F.

I have the honour to be,
Sir,
Your most obedient servant,

2/9/1939
RD 87/39

D. Medapa
District & Sessions Judge.

Issued
12/4/39
2 drafts
Draft

Pl. sign the
before Noon
Issue
Ac
10.4.39

S.N.2

(17)

DRAFT.

Memorandum.

R.Dis.No. F.89-39 / Judl. 17 April 1939.

From

The Secretary to the Resident.

To

The District and Sessions Judge,
Civil and Military Station,
Bangalore.

(For precedent please
See S.N.5/c.p.13)
(K)

Payment of deficit court-fee on Probate granted to Mrs.Sarah Ann D'Sylva.

- --

S.N.7
c.p.16
P.U.C.

Reference correspondence ending with your letter D.No.1671/39, dated the 28th March 1939.

2. The requisite endorsement is enclosed and the Probate granted in O.P.No.57 of 1938 on your file is returned.

Encl. to
S.N.4
c.p.9
J. (K)

for Secretary to the Resident.

W
5.4.39
Ac
5.4.39

2 norm
Draft II

for precedent, please
See Cor. p. 14 (R)

S.N.

(Court fee stamps of Rs.3-12-0 to be affixed.)

R.Dis.No. F.89-39 / Judl. 17th April 1939.

In the matter of the last Will and Testament of the late Mr. Placidus D'Sylva.- Original petition No.57 of 1938 on the file of the District Judge, Civil and Military Station, Bangalore.

- - -

Certified that the additional Court Fee of Rs.3-12-0 due on the Probate in the above matter has been paid and the same is hereby declared to be duly stamped.

for Resident in Mysore and
Chief Controlling Revenue
Authority.

5.4.39

5.4.39.

S.Y.(10) 19

D No. 2627/38 Enclos. Ft 28/6

District and Sessions Court,
Civil and Military Station,
Bangalore, dated 26th. June 1939.

Mr. Uswar

From

P. Medapa Esq., B.A., B.L.,

DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
28 JUN. 1939
Diary No. 6579
File No.

To

The Secretary to
The Hon'ble the Resident in Mysore
Bangalore.

Sir,

Subject:- Remission of penalty under Section 19 E of the Court Fees Act in O.P. No. 16 of 1938.

In forwarding herewith the petition and affidavit filed by Mrs. L.A. King and Mr. C. G. King, the grantees of Probate in O.P. No. 16 of 1938 on the file of this Court, I have the honour to request for the reasons stated in the accompanying affidavit, that the Hon'ble the Resident may be pleased to remit the penalty and cause the Probate to be duly stamped.

I have the honour to be,

Sir,

Your most obedient servant,

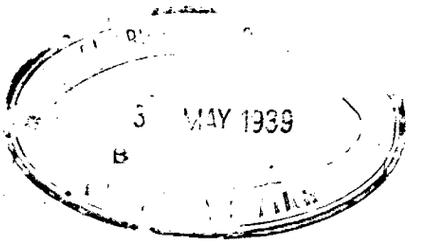
P. Medapa

J.F.

District & Sessions Judge.

Mas 28/6

(20



To

The Chief Controlling Revenue Authority,
Civil and Military Station, Bangalore.

30/5/39

In the matter of the Court Fees Act of 1870, and the Estate of Captain G.H.King late of No.5, Magrath Road, Civil and Military Station, Bangalore, but now deceased O.P.No.16 of 38, District Court, Civil and Military Station, Bangalore.

--o--

Mrs. Louis Agnes King Bangalore
Mr. Claude George King,
5th Magrath Road, Bangalore. .. Petitioners.

Affidavit.

I, Claude George King, son of Captain G.H. King aged about 29, Anglo Indian, Landlord, residing at No.5, Magrath Road, Bangalore do hereby make oath and say as follows:-

1. On the 30th day of March 1938, Probate of the Will of my father Captain G.H. King deceased above-named was granted to me and my mother as executors of the said Will in O.P.No.16 of 1938 on the file of the District Court, Civil and Military Station, Bangalore.

2. That the gross value of the assets was sworn at Rs.9,943-13-10 in our application for Probate, and the net value, after deducting the items which in law we are allowed to

deduct

21

deduct at Rs.8,689-0-10 and we paid Court-fee stamps of Rs.261/- calculated at 3 per cent ad valerum on Rs.3,700/-

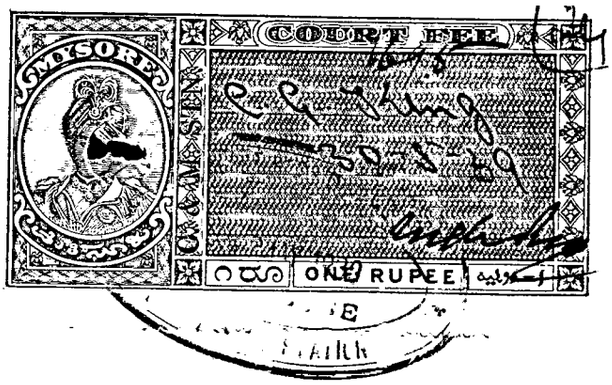
3. That one of the items shown in the affidavit of assets filed by us when we applied for Probate was an undivided half share to which the deceased had been entitled to in Premises No.2, Magrath Road, and in Premises No.2, Norris Road, Bangalore. There was a suit for partition pending at the time in the District Court, Civil and Military Station, Bangalore, in O.S.18 of 1936 which terminated in our favour. In November 1938, the properties were sold by public auction through Court, and on or about 17th December 1938 a sum of Rs.9,170-15-0 was paid to us in full settlement of the half share of the deceased in the said properties.

4. That soonafter, I fell ill and was laid up as an inpatient in the General Hospital, Madras. On 13-4-1939, I filed in the District Court an inventory and account of the receipts and disbursements relating to the above Estate.

5. That the undivided half-share of the deceased which had been valued by us at Rs.7,000/- in our application, actually realised a much higher price Viz.Rs.9,170-15-0.

6. That by reason of the said Estate having proved to be of a higher value than what had been shown by us in our application,

extra



To

The Hon'ble the Resident in Mysore
at Bangalore (Chief Controlling
Revenue Authority) Civil and
Military Station, Bangalore.

30/5/39

In the matter of the
Estate of Captain G.H.
King, late of No.5,
Magrath Road, Civil &
Military Station, Banga-
lore, but now deceased.

1. Mrs. Louis Agnes King
2. Mr. Claude George King
No.5, Magrath Road,
C. & M. Station,
Bangalore. ..Petitioners.

Under Section 19 E. of the Court
Fee Act:

The Petitioners above-named beg to state as follows:-

For the reasons stated in the annexed affidavit the Petitioners above-named pray that it may be ordered that the deficient stamp duty of Rs.64-8-0 due on the Probate of the Will of the above-named deceased which is produced herewith may be received, and that the Probate may be stamped with the said additional duty and returned to the Petitioners.

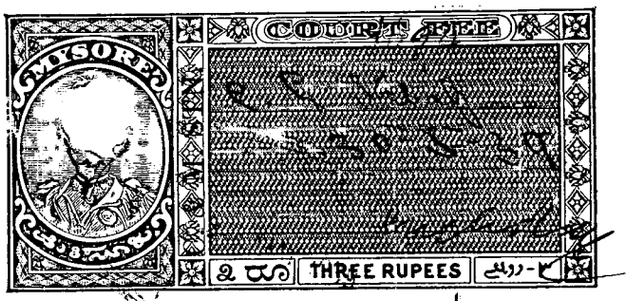
L. G. King.

C. G. King

J B. Rangachar

Bangalore,
30th May 1939

Petitioners.



Before the Honble The Resident in Mysore

~~IN THE COURT OF THE~~

BANGALORE.

30/5/39.

C. P No. of 1939.

In the matter of the Probate of the will of Captain G.H. King late of No. 5, Magrath Road but now deceased

Mrs Louise Agnes King
Mr L.C. King Petitioners

We the Petitioners above named do hereby appoint and retain MR. T. B. RANGACHAR, B.A., B.L., ADVOCATE to appear for me/us in the above matter and to conduct and prosecute or defend the same and all proceedings that may be taken in respect of any application for EXECUTION of any decree or order passed therein. I/WE empower our Advocate to appear in all miscellaneous Proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjusted and to obtain the return of documents from Court and to draw any moneys that might be payable to me in the said suit or matter. I/WE also empower my/our Advocate to compromise the above suit or proceeding and to do all legal acts that my/our Advocate may consider necessary to safeguard my/our interests. I/WE hereby undertake to ratify and confirm all legal acts done or caused to be done my/our Advocate in the case by virtue of these presents.

In WITNESS whereof we have hereunto set our hand this 30th day of May 1939.

× L.C. King
× C.G. King

Signed by ~~the Executant~~ who is known to me in my presence.

J.B. Rangachar
30.5.39.

Accepted
J.B. Rangachar
Advocate

Address for service:—

184. Commercial St.
Bangalore

PROCEEDINGS OF THE HON'BLE THE RESIDENT
IN MYSORE.
---:O:---

R.Dis.No.F.89-39
Judl.

Dated Bangalore, the 8th July 1939.

Read:

Petition and Affidavit filed by Mrs. L.A. King and Mr. C.G. King on the 30th May 1939, in the matter of the last Will and Testament of the late Captain G.H. King.

Letter from the District and Sessions Judge, Civil and Military Station, Bangalore, D.No. 2627/39, dated the 26th June 1939.

O R D E R.

Under the proviso to section 19 E of the Court Fees Act, 1870 (VII of 1870), as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident is pleased to remit the penalty incurred, and to direct that the Probate be duly stamped.

(sd) H. Trevelyan
SECRETARY TO THE RESIDENT.

To

The District and Sessions Judge, Civil and Military Station, Bangalore. The petitioners may be called upon to produce Court fee stamp paper of the value of Rs. 64-8-0, and it may be forwarded to this Residency at an early date.

6.7.39.

6.7.39

S N:2 (26

DNo.3111/39 Enclos. 9 Sheets

District and Sessions Court,
Civil and Military Station,
Bangalore, dated 18th. July 193 9.

From

P. Meeapa Esq., B.A., B.L.,

DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
20 JUL. 1939
Diary No. 7463
File No. RA. 87/39

To

The Secretary to
The Hon'ble the Resident in Mysore,
Bangalore.

Sir,

Subject:- Remission of penalty under Section 19E of the Court Fees Act in O.P. No. 94 of 1936.

In forwarding herewith the petition and affidavit filed by Mr. T. Walker, the grantee of Probate in O.P. No. 94 of 1936 on the file of this Court, I have the honour to request for the reasons stated in the accompanying affidavit, that the Chief Controlling Revenue Authority may be pleased to remit the penalty and cause the Probate to be duly stamped.

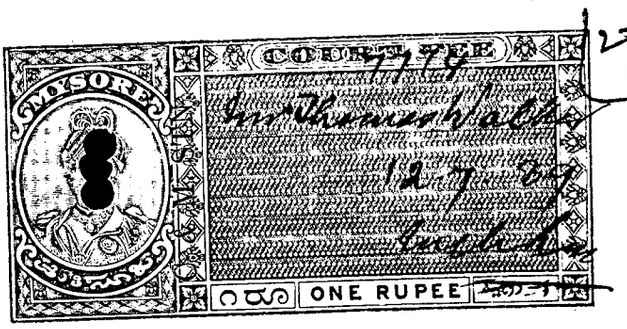
The original Probate appears to have been lost and hence a certified copy of the same is enclosed.

I have the honour to be,
Sir,
Your most obedient servant,

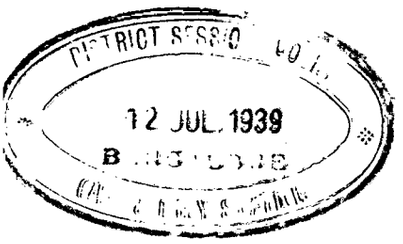
P. Meeapa

J.F.

District & Sessions Judge,



27



BEFORE THE CHIEF CONTROLLING REVENUE AUTHORITY,

(THE HON'BLE THE RESIDENT IN MYSORE).

O. P. No. 94 of 1936

C.M.P.No. of 1939

Petitioner. T. Walker, Retired Inspector of Police, No. 3A, Plain Street, C & M. Station, Bangalore.

Petition under Section 19 E, of the Court Fees Act.

For reasons stated in the enclosed Affidavit, the petitioner prays, that orders may issue for collection of the deficit Court Fee of Rs.40/- being the fee which is payable on the excess of Rs.2,000/- and the necessary stamping done.

P. R. Ramaswamy Iyengar

Bangalore,
12th July 1939.

Before the Chief Controlling
Revenue Authority
(The Hon'ble the Resident in Mysore)

O.P. No. 94 of 1936
C.M.P. No. of 1939

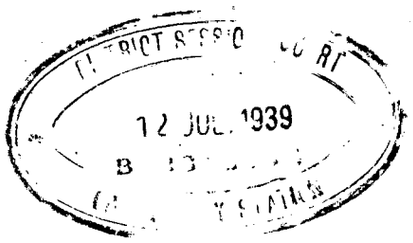
Petitioner: T. Walker

Filed on 12-7-1939

Counsel for Petitioner

Mr. P.R.Ramaswamy Iyengar,
Pleader,
Lubbay Musjid Street,
Bangalore.

(28)



BEFORE THE CHIEF CONTROLLING REVENUE AUTHORITY),

(THE HON'BLE THE RESIDENT IN MYSORE)

12/7/39

O. P. No. 94 of 1936

C.M.P.No. of 1939

Petitioner: T. Walker,
Retired Inspector of Police,
No. 3 A, Plain Street,
C & M. Station, Bangalore.

AFFIDAVIT.

I, T. Walker, aged about 63 years, Retired Inspector of Police, No. 3 A, Plain Street, C & M. Station, Bangalore, do hereby solemnly and sincerely affirm and say as follows:-

1. I had purchased Premises No. 23 E, Mosque Road, Fraser Town, Bangalore, in the names of myself and my wife Mrs. Mary Elizabeth Walker, since deceased.

2. That as Sole Executor appointed under the Will of my wife aforesaid, I applied for Probate in O.P. No. 94 of 1936 to the District Judge, C & M. Station, Bangalore, estimating her half a share in the said property at Rs.2,500/-.

3. That the valuation was in due course accepted by the Collector and communicated to the Court. The Probate was also ordered to issue on or about 18-12-1936.

4. That further I administered the property and as the sole heir and legatee under the Will I took over the property and accordingly furnished a statement of account to the District Court within the time allowed to me under the Law.

5. That long after the filing of the inventory and the statement of account in accordance with Law,

DISTRICT SESSIONS COURT
12 JUL. 1939

(29)

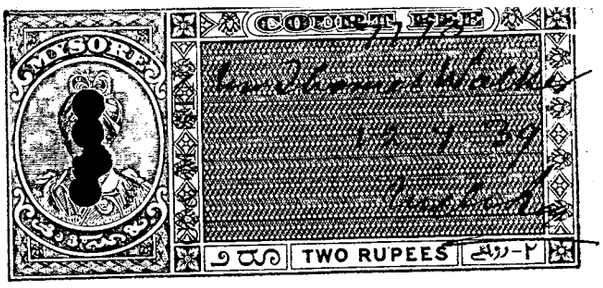
Law, I was fortunate in selling the property quite recently in my own sole right - on or about 19-5-1939 for a very good price of Rs.9,000/- realising thus Rs.4,500/- in respect of the half a share of my deceased wife.

6. I submit that I had valued the property aright and even otherwise absolutely bona fide and without any intention to defraud or delay the payment of the proper Court Fee. My valuation has also been accepted by the Collector. The mistake in valuation, if any, was purely accidental.

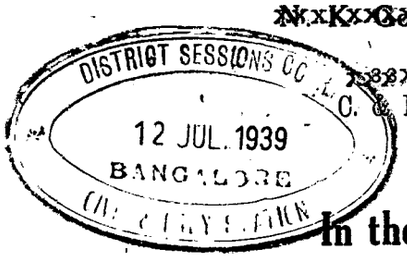
7. I further submit that the original Probate has been mislaid in my Lawyer's Office and is lost with him. An authenticated copy of the decree is herewith produced.

Thomas Walker
12.7.39

Sworn to on oath and signed before me this 12th day of July 1939



P.R. Ramaswamy Iyengar,
~~N.K. Gopala Iyengar, B.A., B.L.,~~
~~ADVOCATE~~, Pleader,
~~Mubbay Musjid Street~~,
C. & M. Station, Bangalore.



(30

In the Court of the Before the Chief Controlling Revenue Authority

(The Hon'ble The Resident in Mysore) **BANGALORE.**

12.7.39

O.P. No. 94 of 1936

C.M.P. ~~SUIT~~ No. OF 1939

Plaintiff Petitioner Appellant Complainant		*Defendant Counter-Petitioner Respondent Accused*
T. Walker,	Vs.	

I/We T. Walker, do hereby appoint and retain Mr. ~~N.K.~~ R.R. Ramaswamy Iyengar, ~~B.A., B.L., Advocate~~, to appear for me/us in the above ~~Suit~~ / Original / Miscellaneous petition and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein. I/We empower my/our ~~Advocate~~ to appear in all miscellaneous proceedings in the above suit or matter till all decree or orders are fully satisfied or adjusted and to obtain the return of documents and draw any moneys that might be payable to me/us in the said suit or matter.

The address of the ~~Advocate~~ for service is:
Mubbay Musjid Street,
~~MUBBAY MUSJID STREET~~,
(Civil and Military Station, Bangalore.)

Thomas Walker.

Accepted
P.R. Ramaswamy
~~Advocate~~

7179

Dated 12th 1939

Signed before me by the executant.

12/7

In the Court of the Before the
Chief Controlling Rev, Authority,
The Hon'ble The Resident in Mysore,
BANGALORE.

O.P. No. 94 of 1936

C.M. ~~SUIT~~ NO. OF 1939

Plaintiff Petitioner T. Walker

Appellant Complainant

vs.

Defendant Counter-Petitioner.

Respondent Accused.

VAKALATHNAMA.

Filed on 12-7- 193 9

Advocate

For the Petitioner

P.R. Ramaswamy Iyengar
~~N.K. Gopala Iyengar, B.A. B.L.,~~

Advocate, Pleader,
Lubbay Musjid Street
~~35, Commercial Street~~

Civil and Military Station, Bangalore.

BEFORE THE HON'BLE THE RESIDENT

IN MYSORE, AT BANGALORE

(CHIEF CONTROLLING REVENUE AUTHORITY)

In the matter of the Estate of Captain G.H. King, late of No.6, -- Magrath Road, Civil & Military Station, Bangalore but now deceased.

1. Mrs. Louis Agnes King
2. Mr. Clause George King

Petitioners

Mr. T. B. Rangachar, B.A.,B.L.?
Advocate for Petitioners

SN. 13

(31)

PROCEEDINGS OF THE HON'BLE THE RESIDENT
IN MYSORE.
---:0:---

Issue 2717 Issued PMW 27/7/39.

R.Dis.No.F.89-39
Judl.

Dated Bangalore, 27th July 1939.

Read:

Petition and Affidavit filed by Mr. T. Walker on the 12th July 1939, in the matter of the last Will and Testament of the late Mrs. Mary Elizabeth Walker.

Letter from the District and Sessions Judge, Civil and Military Station, Bangalore, D.No. 3111/39, dated the 18th July 1939.

SN. 12
Def

O R D E R.

Under the proviso to section 19 E of the Court Fees Act, 1870 (VII of 1870), as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident is pleased to remit the penalty incurred, and to direct that the Probate be duly stamped.

(sd) H. Treveylan
SECRETARY TO THE RESIDENT.

26.7.39.

To

The District and Sessions Judge, Civil and Military Station, Bangalore. The petitioner may be called upon to produce Court fee stamp paper of the value of Rs. 40, and it may be forwarded to this Residency at an early date.

SN (32

D No. 3387/39 Enclos. Stamp Paper

DISTRICT AND SESSIONS COURT,
CIVIL AND MILITARY STATION,
Bangalore, dated 29th. July 1939.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
31 JUL. 1939
Diary No. 785-9
File No. 0289/39

FROM

P. Medapa Esq., B.A., B.L.,
DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to
The Hon'ble the Resident in Mysore,
Bangalore.

SIR,

Subject:- Remission of penalty under Section 19E of the Court Fees Act in O.P. No. 16 of 1938.

I have the honour to refer to Proceedings of the Hon'ble the Resident in Mysore, R.Dis.No.F.89-39, Judl dated the 8th. July 1939, and to forward herewith Court Fee Stamp paper of the value of Rs.64-8-0.

SN.11 K) cp. 25

The receipt of the Stamp paper may kindly be acknowledged.

I have the honour to be,
Sir,
Your most obedient servant,

P. Medapa

District & Sessions Judge.

(33)

D No. 3409/39 Encls. Court Fee Stamp Papers of Rs 40/-

DISTRICT AND SESSIONS COURT,
CIVIL AND MILITARY STATION,
Bangalore, dated 31st. July 1939.

FROM

P. Medapa Esq., B.A., B.L.,

DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE, BANGALORE.
2 AUG. 1939
Diary No. 7960
File No. 2089/39

TO

The Secretary to the

Hon'ble the Resident in Mysore,

Bangalore.

SIR,

Subject:- Remission of penalty under Section 19E of the Court Fees Act in O.P. No.94 of 1936.

I have the honour to refer to Proceedings of the Hon'ble the Resident in Mysore R.Dis.No.F.89-39 Judl dated the 27th. July 1939, and to forward herewith Court Fee Stamp Papers of the value of Rs.40/- produced by the Petitioner.

The receipt of the Stamp papers may kindly be acknowledged.

I have the honour to be,

Sir,

Your most obedient servant,

District & Sessions Judge.

J.F.

S.N. 16 (34

DEPARTMENT.

BRANCH.

File No.

Serial No.

Issued 9/8 Issue nil. 9/8/39

For precedent please see S.N. 8/Cp. 17. (K)

Draft Letter / Memorandum / Telegram

R.Dis.No.F.89-39 Judl.

Class for telegrams

INLAND:	FOREIGN:
Immediate	Immediate
Important	Important
Express	Ordinary
Ordinary	Without priority

No.

Dated 10th Aug. 1939

From The Secretary to the Resident.

To The District and Sessions Judge, C & M Station, Bangalore

To be issued on	Issued on
1st Reminder	
2nd Reminder	
3rd Reminder	
Heading:	
Case or Diary No.	
If post copy of telegram required	
Date of despatch of above	
List of enclosures	

(Code word for telegrams.)

S.N.14
PUC I.

S.N.10 (K).
c.p.19

Payment of deficit court-fee on Probate in O.P.No.16 of 1938 on the file of the Dist. and Sessions Judge, Civil and Military Station, Bangalore, granted to Mrs. L.A. King and Mr. C. G. King.

Reference your letter D.No. 3387/39, dated the 29th July 1939.

2. The requisite endorsement ~~is enclosed~~ and the Probate received with your letter D.No.2627/39, dtd. the 26th June 1939 ~~is returned.~~ are enclosed. Please acknowledge ~~the~~ receipt.

9.8.

for Secretary to the Resident.

S. 5.
MG/PC—S5- -1305(S&P)MFP—(M-944)—6-3-39—60,000 Pads.

8.8.39. AsRes 8.8.39

For precedent please see
S.R. 9/Cf. 18.
(K)

(35)

(Court fee stamps of the value of Rs. 64-8-0 to be affixed.)

R.Dis.No.F.89-39 Judl. 10th August 1939

In the matter of the last Will and Testament of the late Capt. G.H. King - Original Petition No.16 of 1938 on the file of the District and Sessions Judge Civil and Military Station, Bangalore.

Certified that the additional Court Fee of Rs. 64-8-0 due on the Probate in the above matter has been paid and the same is hereby declared to be duly stamped.

9.8.

for Resident in Mysore and Chief Controlling Revenue Authority.

P.8.39.

8.8.39

S.N.12

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft Letter / Memorandum / Telegram

R.Dis.No.F.89-39 Judl.

No. Dated 10th Aug. 1939

Class for telegrams — INLAND: Immediate / Important / Express / Ordinary | FOREIGN: Immediate / Important / Ordinary / Without priority

From The Secretary to the Resident.

To The District and Sessions Judge, C & M Station, Bangalore.

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

S.N.15
PUC II.

S.N.12 (K).
c.p.26

Payment of deficit court-fee on Probate in O.P.No.94 of 1936 on the file of the District Judge, Civil and Military Station, Bangalore, granted to Mr. T. Walker.

Reference your letter D.No.3419/39, dated the 31st July 1939.

2. The requisite endorsement is certified copy of the ~~enclosed~~ and the Probate received with your letter D.No.3111/39, dated the 18th July 1939 are enclosed. ~~is returned~~. Please acknowledge receipt.

for Secretary to the Resident.

8.8.39.

S. 5.

MGIPC—S5—1705(S&P)MFP—(M-944)—6-3-39—60,000 Pads.

(37

(Court fee stmaps of the value of Rs. 40-0-0 to be affixed).

R.Dis.No.F.89-39 Judl. 10th August 1939.

In the matter of the last Will and Testament of ~~the~~ Mrs. Mary Elizabeth Walker - Original Petition No.94 of 1936 on the file of the District Judge, Civil and Military Station, Bangalore.

Certified that the additional Court Fee of Rs.40-0-0 due on the Probate in the above matter has been paid and the same is hereby declared to be duly stamped.

9.8.

for Resident in Mysore and Chief Controlling Revenue Authority.

8.8.39.

8.8.39

S. N. 22

140

DISTRICT AND SESSIONS COURT,
CIVIL AND MILITARY STATION,
Bangalore, dated 17th. Oct. 1939.

D No. 476 1/39 ENCLOS. (1) Application with two affidavits. (2) A Book of Postage in Court fee stamps Rs 2387/4/-

FROM

P. Medapa Esq., B.A., B.L.,

DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

OFFICE OF THE
H'BLE THE RESIDENT
IN MYSORE, BANGALORE.
18 OCT. 1939
Diary No. 10,658
File No.

TO

The Secretary to

The Hon'ble the Resident in Mysore,

Bangalore.

Re: Application of refund of excess stamp-duty paid already in O.P. No.1 of 1935 on the file of the District Court, C. & M. Station, Bangalore.
Petitioner: Mrs. E.E. Holland Smith nee E.E. Skipp.

I have the honour to forward herewith an application and affidavit filed by the petitioner in the above case praying for refund under Section 19.A of the Court Fees Act of excess stamp-duty paid by her. The Letters of Administration on Court Fee Stamps of the value of Rs.2387/4/- are also sent, the receipt of which may kindly be acknowledged.

I have the honour to be,

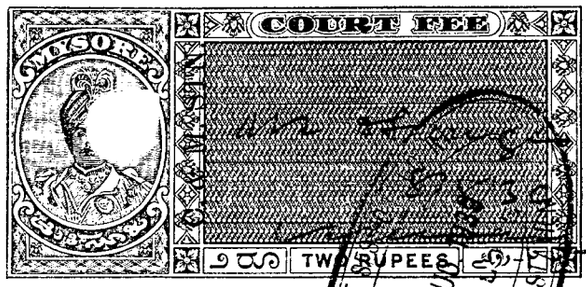
Sir,

Your most obedient servant,

P. Medapa

J.F.

District & Sessions Judge.



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To
The Hon'Ble the Resident in Mysore,
Bangalore.

Through
The District Judge,
C. & M. Station, Bangalore.

By Advocate
31/8/38

Petitioner:- Mrs. E.E. Holland Smith.
nee E.E. Skipp.

In the matter of the late Mr. T.C.W. Skipp.

UNDER SECTION 19/A OF THE COURT FEES ACT.

For reasons stated in the accompanying affidavit, the Petitioner above named prays the excess stamp duty paid on Rs. ~~20,000~~ 22562/14/- in the above matter may kindly be ordered to be refunded to her.

Bangalore,
Dated 31/8/38

Adv. for Petitioner

9938

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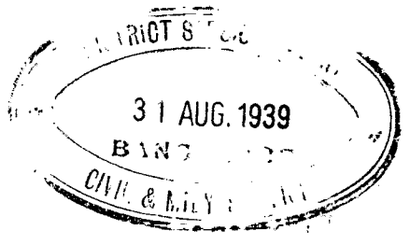

To

The Hon'ble the Resident,
in Mysore, Bangalore.

Through
The District Judge,
C. & M. Station, Bangalore.

31/8/39

Petitioner:- Mrs. E.E. Holland-Smith.
nee E.E. Skipp.

In the matter of the Estate of the late
Mr. T.C.W. SKIPP.

I, Mrs. E.E. Holland Smith, Nee ~~Miss~~ E.E. Skipp, aged about 34 years, residing at No.2, Hayes Road, Bangalore, do hereby make oath and say as follows:-

1. I am the Petitioner and Administratrix in the above matter.

2. That in O.P. No. 1 of 1935, on the file of the District Judge, C.& M. Station, Bangalore, I applied for and obtained Letters of Administration to the estate of my late father, T.C.W. Skipp.

3. That I had set out in Annexure "A" to my petition for Letters of Administration a list of the assets of my deceased father, and in Annexure "B", all the items that I was entitled to deduct. The total amount of assets shown in the said "Annexure "A" is Rs.1,62,363-2-8, and the net amount on which the duty was actually paid was Rs.79,566-13-2.

4. That out of the assets mentioned in the said Annexure "A", of the affidavit of assets and liabilities are mainly the premises known as The Globe Theatre, which was valued by me at the time of my applying for Letters of Administration

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as Rs.1,44,000/-.

5. That subsequent to my obtaining Letters of Administration, and with the intention of disposing of the item No.1, in Annexure "A", being the said premises, "The Globe Theatre", in order to discharge the mortgage which was existing on the said property I advertised the said property widely in all the leading papers, such as "The Madras Mail", "The Statesman", "The Hindu", and the local paper, "The Daily Post", besides through private dealers and auctioneers, but received no offers from any one offering to purchase the same.

6. That on 20-7-39, the said property was sold to one Mr. C.S. Krishna Chetty, and his wife for a sum of Rs.1,20,000/- and the sale deed was registered on the said date. I had no other alternative but to sell the said premises for less than the value shown in the Annexure "A", for reasons stated above.

7. Therefore the net amount on which the stamp-duty is payable hasbeen decreased to Rs.79,566-13-2. as shown in Annexures A and B attached to this petition.

8. That the deficiency is due to the property fetching a lower price than what was shown at the time I applied for Letters of Administration.

9. That I have paid a stamp-duty of Rs.2,387-4-0, being the stamp duty on the net value of Rs.79,566-13-2, and whereas on account of the deficiency in realizing the price then anticipated the net value has been reduced to Rs.59,566-13-2 and as such I am entitled to a refund of stamp duty paid in excess on Rs.20,000/-

10. Under the ~~existing~~ circumstances therefore it is necessary that the Court should order the refund of the

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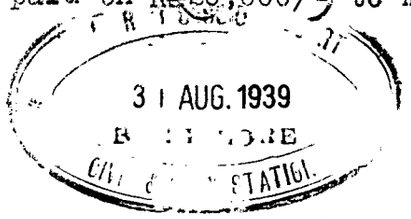
of the excess of stamp duty paid on Rs.20,000/- to me at an early date.



Sworn to by the said Mrs. E.E. Holland Smith this 31st day of August, 1939, in the presence of :-

E.H. Holland Smith
Rec'd Stamps

ANNEXURE "A".

VALUATION OF THE MOVABLE AND IMMOVABLE PROPERTY OF THE SAID THOMAS CHARLES WILLIAM SKIPP.

	Rs.	a	p
1. The Globe Theatre, Reisdency Road, Bangalore.	1,20,000	0	0
1. Current account, Imperial Bank of India, Bangalore.	1,066	5	4
3. Current account, Bangalore Bank Ltd., Bangalore.	11,123	8	3
4. Furniture and car.	600	0	0
5. Wearing apparel and jewellery.	150	0	0
6. Rent due by Globe Theatres, Ltd.	5,400	0	0
7. Cash found on person	23	5	1
	1,42,363	2	8
Deduct amount shown in Annexure "B"	82,796	15	6
Balance Rs.	59,566	13	2

ANNEXURE "B"

SCHEDULE OF DEBTS ETC.

1. Amt. due on mortgage of Globe Theatre, mortgaged to Mr.J.P. Bhatta, in August, 1933.	60,000	0	0
2. Interest due on the same	700	0	0
3. Amount due to Mrs. Morton, 7, Ranelagh Gardens, Mansions, Hurlingham, London , on a pronote	9,000	0	0

	B/F	69,700	0	0
4.	Interest on the above pronote	1,000	0	0
5.	Due to Mr. G. Skipp on pronote	7,000	0	0
6.	Interest on the above pronote	150	0	0
7.	The Standard Literature Co. Calcutta	55	0	0
8.	Krishniah Chetty & Sons, Bangalore	70	0	0
9.	Ahmed & Bros.	45	15	0
10.	Venson & Co	51	10	6
11.	Bangalore Cycle & Motor Co.	9	0	0
12.	The General Stores & Supply Co.	21	12	0
13.	Funeral Expenses	400	0	0
14.	Monument	2,000	0	0
15.	Servants wages	100	0	0
16.	To Mr. J.L.D'Silva, balance of legal charges	603	0	0
17.	Taxes due on Globe Theatre	1,440	0	0
18.	Rent due to Mr. Bhatta	150	0	0
		Rs. 82,796	5	6

Returned.

(i) Petitioner has not stated that the Sale price represents the true value of the property on the date of application for letters.

(ii) The increase in value of item 4 in Annexure 'A' & the decrease in the debts paid not shown.

(iii) Original Letters of Administration not produced as required by Sec. 19 A of the Court Fees Act.

(iv) A separate stamped petition not filed requesting this Court to forward the application.

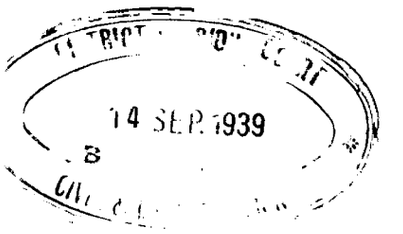
Dist. Judge
11.9.39

E.H. Holland Smith
Frd Skipp

Represented with a fresh affidavit correcting the mistake in figures shown in the previous affidavit & a separate application requesting this Court to forward the appli with the Letters of administration granted by this Court.

T.J. Silva
14/9/39

14/9/39 with affidavit & application



To
The Hon'ble the Resident,
in Mysore, Bangalore.

Through
The District Judge
C. & M. Station, Bangalore.

Petitioner:- Mrs. E. E. Holland Smith,
Nee E.E.Skipp.

In the matter of the Estate of the late

Mr. T.C. W. SKIPP.

I, Mrs. E. E. Holland Smith, Nee E.E. Skipp aged about 34 years, residing at No. 2. Hayes Road, Bangalore, do hereby make oath and say as follows:-

1. I am the Petitioner and Administratrix in the above matter.

2. That in O-P. No. 1. of 1935, on the file of the District Judge, C. & M. Station, Bangalore, I applied for and obtained Letters of Administration to the estateof my late father, T. C. W. Skipp.

3. That I had set out in Annexure "A" to my petition for Letters of Administration a list of the assets of my deceased father, and in Annexure "B", all the items that I was entitled to deduct. The total amount of assets shown in the said Annexure "A" is Rs1,62,353: 2: 8: and the net amount on which the duty was actually paid was Rs79,566:13: 2:

4. That out of the assets mentioned in the said Annexure "A" of the affidavit of assets and liabilities are mainly the premises known as the Globe Theatre, which was valued by me at the time of my applying for Letters of Administration as Rs1,44,000: -: -:

5. That subsequent to my obtaining Letters of Administrat n, and with the intention of disposing of the item No. 1. in Annexure "A", being the said premises, The Globe Theatre, in order to discharge the mortgage which was existing on the said property, I advertised the said property widely in all the leading papers, such as The Madras Mail, The Statesman, The Hindu and the local paper, the Daily Post, besides through private dealers and auctioneers, but received no offers from any one offering to purchase the same.

6. That on 20th July, 1939, the said property was sold to one Mr. C. S. Krishna Chetty, and his wife for a sum of Rs1,20,000 and the sale deed was registered on the said date. I had no alternative but to sell the said premises for less than the value shown in the Annexure "A" for reasons stated above. The reason for my over valuing the property at Rs1,44,000: -: -: in my application for Letters of Admin stration was that, being new to India, I did not know the correct market value and I was under the impression that it was worth that figure. Further, being a large property and few buyers for such a large property, it was not possible to guage the proper value. The true value, however, was only ascertained on the actual sale of the property.

7. Therefore, the net amount on which the stamp-duty is payable has been decreased to Rs57,003:15: 2: as shewn in Annexures "C" and "D" attached to this petition.

8. That the deficiency is due to the true value of the property being less than the figure shewn at the time I applied for Letters of Administration.

9. That I have paid a stamp-duty of Rs2,387: 4: -: being the stamp-duty on the net value of Rs79,566:13: 2: and whereas on account of the deficiency in realizing the price then anticipated, the net value has been reduced to Rs57,003:15: 2:

and as such I am entitled to a refund of stamp-duty paid in excess on Rs 22,562:14: -:

10. In these circumstances, therefore, it is necessary that the court should order the refund of the excess of stamp-duty paid on Rs 22,562:14: -: to me at an early date.

Sworn to by the said
Mrs. E. E. Holland Smith
this 12th day of September,
1939. in the presence of:-

E E Holland Smith
Prd E E Sk[illegible]

ANNEXURE "A"

1.	The Globe Theatre Residency Road, Bangalore.	Rs144,000: -: -:
2.	Current Account, Imperial Bank of India, Bangalore.	1,066, 5: 4:
3.	Current Account, Bangalore Bank, Ltd., Bangalore.	11,123: 8: 3:
4.	Furniture and car.	600: -: -:
5.	Wearing apparel and Jewellery.	150: -: -:
6.	Rent due by Globe Theatres Ltd.,	5,400: -: -:
7.	Cash found on person.	23: 5: 1:
		Rs162,363: 2: 8:
	Deduct amount shewn in Annexure "B"	82,796: 5: 6:
		Rs 79,566:13: 2:

ANNEXURE "B"

SCHEDULE OF DEBTS ETC.

1.	Amount due on morthage of Globe Theatre, mortgaged to Mr. J. P. Bhatta in August, 1933.	Rs 60,000: -: -:
2.	Interest due on the same.	700: -: -:
3.	Amount due to Mrs. Morton, 7, Ranelagh Gardens, Mansions, Hurlingham, London, on pronote.	9,000: -: -:

	B/F.	Rs 69,700: -: -:
4.	Interest on the above pro note.	1,000: -: -:
5.	Due to Mr. G. Skipp on Pronote.	7,000: -: -:
6.	Interest on the above pronote.	150: -: -:
7.	Standard Literature Co. Calcutta.	55: -: -:
8.	Krishna Chetty & Sons, Bangalore.	70: -: -:
9.	Ahmed Brothers.	45: 15:-:
10.	Venson & Company.	51: 10:6:
11.	Bangalore Cycle Motor Company.	9: -:-:
12.	The General Stores and Supply Co.	21: 12:-:
13.	Funeral Expenses.	400: -:-:
14.	Monument.	2,000: -:-:
15.	Servants wages.	100: -:-:
16..	To Mr. D'Silva balance of legal charges.	603: -:-:
17.	Taxes due on Globe Theatre.	1,440: -: -:
18.	Rent due to Mr. Bhatta.	150: -: -:
		Rs 82,796: 5: 6:

ANNEXURE "C"

VALUATION OF MOVEABLE AND IMMOVEABLE PROPERTY.

1.

1.	The Globe Theatre, Residency Road Bangalore.	Rs120,000: -: -:
2.	Current Account, Imperial Bank of India, Bangalore.	1,066: 5: 4:
3.	Current Account, Bangalore Bank, Ltd., Bangalore.	11,123: 8: 3:
4.	Furniture and Car.	737: -: -:
5.	Jewellery and waring apparel.	120: 6: -:
6.	Rent Realized from Globe Theatres	5,400: -: -:
7.	Cash found on person of deceased.	23: 5: -:
		Rs138,470: 8: 7:
	Deduct total of Annexure "D"	81,466: 9: 5:
		Rs 57,003:15: 2:

JD

DISTRICT COURT
14 SEP 1939
EXHIBIT

SCHEDULE "D".

SCHEDULE OF ACTUAL DISBURSEMENTS.

1.	To amount paid to Mr. Bhatta towards Principal	Rs 60,000: -: -:
2.	To amount paid towards interest.	1,420: -: -:
3.	To amount paid to Mrs. Morton on Pronote. (Incl interest)	8,463:13: 5:
4.	To amount paid to Mr. G. Skipp on Pronote. (Incl. interest)	6,575: -: -:
5.	To Funeral Expenses.	375: -: -:
6-	To Incidental Funeral Expenses advanced by Mr. D'Silva.	112:11: -:
7.	To cost of Monument.	2,295: -: -:
8.	To Taxes paid to Municipality in respect of Globe Theatre, including Income Tax.	1,458:12: -:
9.	To House Rent paid to Mr. Bhatta.	226:14: -:
10.	To amount paid to Standard Literature Co.	48: -: -:
11.	To amount paid to Krishniah Chetty & Sons.	70: -: -:
12.	To " " to Ahmed Brothers.	45:15: -:
13.	To " " Addison & Co. Ltd.,	77: 5: 6:
14.	To " " Venson & Company.	51:10: 6:
15.	To " " Bangalore Cycle Co.	9: -: -:
16.	To " " General Stores.	21:12: -:
17.	To. " " Forster & Company.	2:14: -:
18.	To " " Higginbothams.	18: 6: -:
19.	To " "" Imperial Talkies.	3: 6: -:
20.	To " " Lion Stores.	5:12: -:
21.	To " " Yacoob Sheriff.	4:12: 6:
22.	To " " Spencer & Company.	7: 4: 6:
23.	To " " Baker.	3: 5: -:
24.	To " " Servants Wages.	170: -: -:
		Rs 81,466: 9: 5:

E.E. Holland Smith
Jee' E.E. Skipp

PROCEEDINGS OF THE HON'BLE THE RESIDENT IN MYSORE.

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R.Dis.No.F.89-39 Judl. Enc 1. Date. 13th Dec 1939

Read:

Petition and Affidavit filed by Mrs. E. E. Holland Smith on the 14th September 1939, in the matter of the last Will and Testament of the late Mr. T.C.W. Skipp.

Letter from the District & Sessions Judge, Civil and Military Station, Bangalore, D.No.4761/39, dated the 17th October 1939.

O R D E R.

The Hon'ble the Resident ~~does not~~ considers that the fee paid on the Letters of Administration in the above matter was not greater than the law required and that a refund is ~~therefore~~ not admissible under sec. 19-A of the Court-Fees Act, 1870, as applied to the Civil and Military Station of Bangalore. The petition is ~~accordingly~~ rejected.

sd/ H. Trevelyan,

Secretary to the Resident.

To

The District & Sessions Judge, C & M Station, Bangalore, (with the Letters of Administration returned).